

REMARKS:

The outstanding Office action objected to claims 29-31 because the alloy component M^2 is not defined in the claim. The foregoing Listing of Claims corrects this typographical error in claim 29 by replacing " M^2 " with -- M^2_z --. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the objection to claims 29-31 that was set forth in the outstanding Official action.

The foregoing Listing of Claims canceled claims 1, 7, and 14, amended claims 26 and 29, and added new claims 32-43. The foregoing Listing of Claims essentially rewrote each of claims 26 and 29 as three independent claims, which encompass the same subject matter as previously presented claims 26 and 29. In the foregoing Listing of Claims, claim 26 was rewritten as amended claim 26 and new claims 32 and 35, and claim 29 was rewritten as amended claim 29 and new claims 38 and 41. New dependent claims 33, 34, 36, 37, 39, 40, 42, and 43 correspond to previously presented claims 27, 28, 30, and 31. After the foregoing amendments, claims 26-43 are presented in the application for consideration by the examiner. Applicant respectfully requests favorable consideration and allowance of these claims for the following reasons.

Applicant greatly appreciates the courtesies extended by Examiner John P. Sheehan to the undersigned in a telephone interview on March 14, 2008. In summary, during the interview the examiner agreed that the expression "a and b are not both 0" in claims 26 and 29 requires that at least one of Co and Ce is present in the alloy compositions of these claims. Based on this interpretation, the examiner further agreed that claims 26-31 are patently distinguishable from the teachings of U.S. patent No. 5,395,459 of Pinkerton *et al.* (Pinkerton). The examiner further stated that the prior art search needs to be updated before the claims can be allowed.

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The Official action mailed on September 18, 2007 included a claim interpretation on page 2 thereof, which stated that each of claims 26 to 31 defines that the subscripts "a" and "b" encompass zero, therefore claims 26 to 31 do not require the presence of Co or Ce. As summarized above, during the telephone interview with the examiner, the undersigned explained that each of independent claims 26 and 29 specifically defines that "a" and "b" cannot both be zero. Therefore, these claims require at least one of Co or Ce. Also a summarized above, in the telephone interview, the examiner agreed that claims 26 and 29 require that at least one of Co and Ce is present in the alloy compositions of these claims.

During the telephone interview with the examiner, he explained that he does not prefer the expression "a and b are not both 0" in claims 26 and 29 because this exact expression may not appear in the specification. The examiner suggested rewriting each of claims 26 and 29 as three independent claims, which would encompass the same subject matter. In the attached Listing of Claims, claim 26 was rewritten as amended claim 26 and new claims 32 and 35, and claim 29 was rewritten as amended claim 29 and new claims 38 and 41.

The Official action maintained the rejection of claims 1, 7, 14, and 26-31 under 35 U.S.C. §103(a) as being unpatentable over the teachings of Pinkerton. Claims 1, 7, and 14 were canceled above. As mentioned above, during the interview the examiner agreed that the expression "a and b are not both 0" in claims 26 and 29 requires that at least one of Co and Ce is present in the alloy compositions of these claims. Based on this interpretation, the examiner further agreed that claims 26-31 are patently distinguishable from the teachings of Pinkerton. Amended claim 26 and new claims 32 and 35 correspond to previously presented claim 26. Similarly, amended claim 29 and new claims 38 and 41 correspond to previously presented claim

29. For at least these reasons, applicant respectfully submits that independent claims 26, 29, 32, 35, 38, and 41 and the claims that depend thereon, which all require at least one of Co and Ce is present in the alloy compositions, are patently distinguishable from the teachings of Pinkerton within the meaning of 35 U.S.C. §103. Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

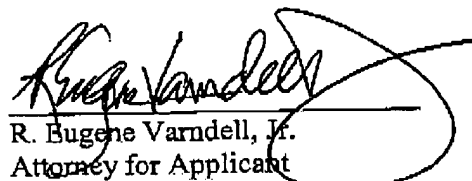
During the telephone interview, the examiner mentioned a possible rejection of the claims in this application as being unpatentable over the claims in the parent application, now U.S. Patent No. 6,758,918, on the ground of nonstatutory obviousness-type double patenting. Applicant respectfully submits that the claims in the present application are patently distinguishable from the claims in the aforesaid patent, because the alloy defined in the claims in the aforesaid patent do not include at least one of Co and Ce as required in the claims of the present application and the claims in the aforesaid patent provide absolutely no reason to add either of Co and Ce thereto.

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In view of the foregoing amendments and remarks, favorable consideration and a formal allowance of claims 26-43 are respectfully requested. While it is believed that the present response places the application in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolved any outstanding issues.

Respectfully submitted,
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